

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

James Nelson,)	
)	
Plaintiff,)	Civil Action No. 9:19-3275-RMG
)	
vs.)	
)	
Andrew Saul, Commissioner)	
of Social Security Adminstation,)	ORDER
)	
Defendant.)	
)	
)	
)	

This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff’s application for Supplemental Security Income (“SSI”). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation (“R & R”) on January 26, 2021, recommending that the decision of the Commissioner be reversed and remanded to the agency because the Administrative Law Judge (“ALJ”) failed to evaluate the opinions of the Plaintiff’s treating specialist physician, Dr. William Walkup, and non-examining and non-treating agency physicians under the standards of the Treating Physician Rule, 20 C.F.R. § 416.927. (Dkt. No. 19 at 10-19). The Commissioner has advised the Court he will not file an objection to the R & R. (Dkt. No. 20).

The Court **ADOPTS** the Report and Recommendation as the order of this Court, **REVERSES** the decision of the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g), and **REMANDS** the matter to the Commissioner for further proceedings consistent with this

order.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
Richard Mark Gergel
United States District Judge

Charleston, South Carolina
February 10, 2021